

**FRENCHTOWN CHARTER TOWNSHIP**  
**ORDINANCE ESTABLISHING POWERS OF CONSTABLES**  
**Ord. No. 233; Adopted March 9, 2021**

An Ordinance to restrict or limit the powers and duties prescribed by State Law for Township Constables; to require minimum employment standards imposed by Public Act 203 of 1965, as amended prior to undertaking any duties requiring such Certificate; to establish liability for violations of the provisions of this Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict with this Ordinance.

**THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:**

**Section 1. Title.**

This Ordinance shall be known as the “Frenchtown Charter Township Ordinance Limiting Powers of Constables.”

**Section 2. Purpose.**

The purpose of this Ordinance is to promote and secure the public health and, in the interest, thereof, to establish, restrict and limit the powers of the duly elected or appointed constables of Frenchtown Charter Township.

**Section 3. Authority.**

Pursuant to authority vested in the Township Board by Public Act 246 of 1945, Public Act 359 of 1947 and Public Act 203 of 1965 of the State of Michigan, no elected or appointed constable of Township shall exercise any power or assume any duty prescribed by the laws of the State of Michigan, except as follows:

A. Township Constables shall be authorized to serve criminal warrants or other criminal process only if directed to do so in writing by the Township Board, the Township Clerk, Township Treasurer or Township Supervisor.

B. Township Constables shall be authorized to serve civil notices and process only if lawfully directed to do so in writing by the Township Board, the Township Clerk, Township Treasurer or Township Supervisor.

C. Township Constables shall be authorized to serve writs, process or order in the Township within the County of Monroe only if lawfully directed to do so in writing, by the Township Board, Township Clerk, Township Treasurer or Township Supervisor.

D. Township Constables shall be authorized, when directed to do so in writing by the Township Board, to perform liquor control inspections pursuant to Public Act 207 of 1968 on behalf of the Township.

E. Township Constables shall be authorized to perform such other duties or powers of their office only when so directed to do so in writing by the Township Board.

**Section 4. Limitations.**

Pursuant to authority vested in the Township Board by Section 41.82 of the Michigan Compiled Laws, no elected or appointed constable of Township shall exercise any power or assume any duty prescribed by the laws of the State of Michigan, except as set forth in Section 3 above. Constables powers and authority are specifically limited and restrained as follows:

A. Township Constables are not authorized to act under MCL 41.83a or to pursue, arrest or detain any person inside or outside the Township limits.

B. Township Constables shall not have authority to act pursuant to Public Act 156 of 1851.

C. Township Constables shall not have responsibility for or authority to act pursuant to Public Act 272 of 1909, Section 2 regarding just compensation and necessity.

D. Township Constables shall have no authority other than specifically set forth in Section 3 above or as specifically approved by a majority of the membership of the Township Board regardless of whether a statute provides, directs or allows such authority.

**Section 5. Training/Minimum Standards.**

A Township Constable shall not serve criminal warrants or other criminal process, unless such Township Constable shall comply with the minimum employment standards established by the Law Enforcement Officer Training Council pursuant to Section 9 of Public Act 203 of 1965, as amended, being Section 28.609 of the Michigan Compiled Laws, and has received specific written authorization from the Frenchtown Charter Township Board to act in that capacity. The Township Board, in its discretion, shall decide when such training is necessary, and which constable(s) shall be so trained. The Township Board, in its discretion, shall decide when such training is necessary, and which constable(s) shall be so trained. The cost of complying with these standards may be borne by the Township if so approved by the Board.

**Section 6. Weapons/Arms.**

An elected or appointed Township Constable shall not carry a weapon or other arms in the carrying out of his duties unless he has obtained a license to carry a concealed weapon and

is specifically authorized to do so by the Township Board in accordance with Public Act 372 of 1927 or Public Act 328 of 1931 Section 224a.

**Section 7. Violation of Policy.**

Any elected or appointed Township Constable who shall violate any provision of this Ordinance shall thereby assume sole responsibility and liability for any damaged resulting from such action constituting said violation.

**Section 8. Repeal.**

All Ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed.

**Section 9. Severability.**

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

**Section 10. Effective Date.**

This Ordinance shall take effect immediately after passage and publication in a newspaper having general circulation in the Charter Township of Frenchtown, County of Monroe.

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